

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 6 January 2022 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Ball, Cheeseman, Perry Cole, Coleman, Edwards-Winsor, Hunter, Layland, McGarvey, Purves, Raikes and Reay

Apologies for absence were received from Cllrs. Barnett, Brown, P. Darrington, Hogarth, Hudson and Osborne-Jackson

Cllr. Grint, McGregor and Osborne-Jackson were also present via a virtual media platform which does not constitute attendance as recognised by the Local Government Act 1972.

57. Minutes

Resolved: That the Minutes of the Development Control Committee held on 16 December 2021, be approved and signed by the Chairman as a correct application.

58. Declarations of Interest or Predetermination

Cllr Layland declared for Minute 61- 21/03403/HOUSE - Edenwood, Swan Lane, Edenbridge KENT TN8 6AT, that he was the local ward Member but remained open minded.

Cllr Williamson declared for Minute 62 - 21/02355/FUL - Blueberry Farm, Blueberry Lane, Knockholt KENT TN14 7NH that he had had talks with the applicant but remained open minded.

Cllr McGarvey declared for Minute 64 21/02577/FUL - The Lock Up Garages, Lombard Street, Horton Kirby KENT DA4 9DF, that he had heard the Parish Council's view, had not prejudged the application and would speak in the debate.

59. Declarations of Lobbying

Councillors, Hunter, Layland and Williamson declared they had been lobbied in respect of Minute Minute 61- 21/03403/HOUSE - Edenwood, Swan Lane, Edenbridge KENT TN8 6AT

Councillor Layland declared he had been lobbied in respect of Minute 62 - 21/02355/FUL - Blueberry Farm, Blueberry Lane, Knockholt KENT TN14 7NH

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Councillor Williamson declared he had been lobbied in respect of Minute 63 - 21/03346/LDCPR - Aberdeen House, Main Road, Knockholt KENT TN14 7JD

Councillor McGarvey declared he had been lobbied in respect of Minute 64 21/02577/FUL - The Lock Up Garages, Lombard Street, Horton Kirby KENT DA4 9DF

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following item and no Member reserved the item for debate, therefore, in accordance with Part 7.3(e) of the constitution the following matter was considered without debate:

60. 21/01388/FUL - Land South Of 1 Singles Cross Cottages, Blueberry Lane, Knockholt KENT TN14 7NH

The proposal sought planning permission for the building operations relating to Lawful Development Certificate 20/02590/LDCPR, erection of fencing and entrance gates. The application had been originally referred to the Committee by Councillor Williamson so the implications on the openness of the Green Belt, impact on public right of way, highway conditions and viability could be discussed. This item was originally presented to Committee on 9 September 2021.

The Committee resolved to defer the item to allow the applicant to provide clarity on the details of the gates, the fences and the location of the hedging across the site.

Further details had been submitted by the applicant in this regard in the form of a Site Landscaping Plan, Site Access Plan and Field Access Plan. In summary, these plans indicated the planting of a new indigenous species hedgerow within the boundary of the site. To the outside of the hedge, separating the site from the field beyond, it was proposed to erect 1.5m high post and rail fencing with stock proof fencing. To the main entrance of the site is to comprise a 1.2m high, 5-bar gate. A separate galvanised metal gate to serve the field would be taken from the main site access, set approximately 36m into the site.

These details had been subject to re-consultation. Letters of objection had been received from the Parish Council and one local resident as detailed in the main report below along with the original comments.

Members' attention was brought to the main agenda papers, late observation sheet and a verbal update addressing points raised by the Parish Council.

It was moved by the Chairman that the recommendations within the report, be agreed.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

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- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) For the avoidance of doubt the information to which this decision relates is as follows: Drawing Nos.: 2705(02)1250 B, 001 A, 002 A, 003 A, 005 A; 2705(08)002 B, 2705(08)003 C, 2705(08)005 A, 2705(08)006 A, 2708(08)007 A 2705(08)008 and drawing 2705(08)004.

For the avoidance of doubt and in the interests of proper planning.

- 3) Within three months of commencement of works a scheme of landscaping shall be submitted to the Local Planning Authority for approval in writing to include details of the size and species of any trees in the close vicinity of the barns to be retained or removed and details of the size and species of the proposed hedging. The landscaping shall be carried out in accordance with the approved details prior to first occupation of the buildings. If within a period of five years from first occupation of the buildings, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) To ensure the protection of badgers and nesting birds, all works will be carried out in accordance with the details contained in the Conclusions section of the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021.

In the interests of the ecology of the site as supported by policy SP11 of the Council's Core Strategy.

- 5) No external lighting shall be affixed the buildings or installed on the site other than in accordance with a "lighting design strategy for biodiversity" which shall first have been submitted to the Local Planning Authority and approved in writing. The lighting strategy will :a) Identify those areas/features on site that, due to their potential for use by bats, are particularly sensitive to lighting impacts (including any biodiversity enhancement features)b) Show how and where external lighting will be installed in accordance with the Conclusions section of the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021 and with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and will be maintained thereafter in accordance with the strategy.

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In the interests of the ecology of the site as supported by policy SP11 of the Council's Core Strategy.

- 6) Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These will be in accordance with the Conclusions section of the Letter from Julian Thornber, AA Environmental Limited to Mr Cazaly, Cazaly Developments dated 16th March 2021 and will include the provision of integrated bat and bird boxes and native species planting. The approved details will be implemented and thereafter retained.

In the interests of the ecology of the site as supported by policy SP11 of the Council's Core Strategy.

- 7) The materials to be used in the exterior faces and roof of the buildings shall be as specified on the accompanying application forms. To ensure that the proposed development does not prejudice the appearance of the locality, as supported by policy SP1 of the Council's Core Strategy.

Informatives

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

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This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

61. 21/03403/HOUSE - Edenwood, Swan Lane, Edenbridge KENT TN8 6AT

The proposal sought planning permission for a two-storey side extension and a glazed link to a car port with room in the roof space. The application had been referred to the Committee by Cllr McGregor for the following reasons which were broadly in line with the Town Council's reasons for objections:

- 1) The design did not fit in with the Character Area Assessment,
- 2) The application was overbearing and not compatible with the local area,
- 3) Proximity with its neighbours infringement of privacy and breach of policy EN2,
- 4) Drainage issues,
- 5) The glass was out of character and intrusive to neighbouring properties, and
- 6) The existing trees were substantial and there was nothing to mitigate potential root damage or ecological impact.

Members' attention was brought to the main agenda papers and late observation sheet.

The Committee was addressed by the following speakers:

Against the Application: Donna Martin

For the Application: David Bedford

Parish Representative: Town Cllr Reed

Local Members: Cllr McGregor

Members asked questions of clarification from the speakers and officer. Questions focused on the glazing of the glass walkway. It was also confirmed by the Officer that the previous application had permitted development rights removed which was why planning permission had been requested.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application and it was moved by Cllr Edwards-Winsor and duly seconded that an additional condition be added to reduce light spillage which could come from the glazed link.

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Members discussed the amendment.

The amendment was put to the vote motion was put to the vote and it was agreed. Debate continued on the substantive motion.

Resolved: That planning permission be granted subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The materials to be used in the construction of the development shall be those indicated on the approved application form dated 12 October 2021, and materials referred to on page 17 of the Design & Access Statement dated October 2021.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) The development hereby approved shall be implemented in accordance with the Arboricultural Recommendations and Method Statement outlined within the Arboricultural Impact Assessment and Method Statement by Canopy Consultancy dated September 2021 and in accordance with drawings SK100 Rev P2 Car Port Foundation Proposals and 21-1239-TPP Tree Protection Plan.

To protect the trees under woodland Tree Preservation Order on site, in the interests of the visual amenity of the area, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. Any proposed lighting shall be designed in accordance with guidelines from the Bat Conservation Trust "Bats and Lighting in the UK". The installation of external lighting shall only be carried out in accordance with the approved details.

In the interests of preserving biodiversity, in accordance with Policy SP11 of the Sevenoaks Core Strategy.

- 5) The development hereby approved shall be implemented in accordance with the following approved plans: E001 Site Location Plan, P150 Proposed Site Plan , P200 Rev P4 Proposed Floor Plans, P450 Proposed Elevations, SK100 Rev P2 Car Port Foundation Proposals, 21-1239-TPP Tree Protection Plan.

For the avoidance of doubt and in the interests of proper planning.

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- 6) Prior to development reaching the damp proof course details of the glazed link shall be submitted to and approved by the local planning authority which restrict and reduce light spillage from the first floor glazed link. The approved scheme shall be implemented prior to completion of the development and retained thereafter.

In the interests of the visual amenity of the local area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) The applicant is advised that this permission in no way purports to grant permission for any other amendments to the house which do not accord with permission 15/03069/FUL and which are not specifically referred to in the description of works to which this application relates. The applicant is advised that any such amendments should be formalised through the submission of a separate application for planning permission, as necessary.

62. 21/02355/FUL - Blueberry Farm, Blueberry Lane, Knockholt KENT TN14 7NH

The proposal sought planning permission for the conversion of two outbuildings to provide two residential units with parking and associated works.

The application had been referred to the Committee by Councillor Williamson so that the impact of the proposals on the openness of the Green Belt could be considered by Members.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:

For the Application: Nick Skelly

Parish Representative:

Local Members: Cllr Grint

Members asked questions of clarification from the speakers and officer.

It was moved by the Chairman that the recommendation as set out within the report with an amended condition 6 to include reference indigenous species, be agreed.

Members discussed the application.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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- In pursuance of section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with approved drawings and details: Site location plan to the scale of 1:2500 (drawing no. 4906-PD2-01); Existing plans, elevations and section of Building 1 (drawing no. 4906-PD2-03); Existing plans, elevations and section of Building 2 (drawing no. 4906-PD2-04); Existing site plan with approved scheme (drawing no. EX01 Rev A); Proposed site plan (drawing no. SP01 Rev D); Proposed ground floor and lower ground floor plan- Building 1 (drawing no. 02 B1 rev B); Proposed ground floor plan- Building 2 (drawing no. 02 B2 Rev D); Coloured elevation - Building 1 (drawing no. 04a B1); Coloured elevation - Building 2 (drawing no. 04a B2); Proposed elevations - Building 1 (drawing no. 04 B1 Rev D); Proposed elevations - Building 2 (drawing no. 04 B2 Rev F); Proposed outline sections - Building 1 (drawing no. 05 B1 Rev C); Proposed outline sections - Building 2 (drawing no. 05 B2 Rev B); Layout and elevations - Atcost building (drawing no. EX02); Proposed car port floor plans and elevations (drawing no. G01); Proposed floor plans and elevations - Building 1 (drawing no. X01 B1 Rev D); Proposed floor plans and elevations- Building 2 (drawing no. X02 B2 Rev G); Proposed elevations comparison - Building 1 (drawing no. X03 B1 Rev C); Proposed elevations comparison - Building 2 (drawing no. X04 B2 Rev C); Howard Sharp & Partners - Planning, Design and Access Statement. TSC Designs Ltd dated August 2019, an addendum report from TSC Designs Ltd dated April 2020. Supplemental structural engineers report from Structural Solutions Management Ltd dated 8th July 2021. Traffic Impact Statement Preliminary ecology assessment and bat survey from KB Ecology. Phase 1 Contaminated Land Assessment from Lustre Consulting. Photographs of the Atcost building.

For the avoidance of doubt and in the interests of proper planning.

- 3) Before the commencement of the development hereby approved (including demolition), a Phase 2 contaminated land investigation, including a remediation methodology (if necessary) shall be submitted to and approved by the local planning authority. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority. The details shall be implemented as approved. In the event that remedial work is required, none of the dwellings hereby approved shall be occupied until a verification report has been submitted to the Local Planning Authority for approval in writing to show the buildings are fit for habitation.

To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EN2 of the Council's Allocations and Development Management Plan.

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- 4) Prior to the commencement of the development (including demolition work), a scheme for the control of noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with guidance found in BS5228-1:2009 (as amended) and BS5228-2:2009 (as amended) Noise and Vibration Control on Construction and Open Sites; and the Control of Dust from Construction Sites (BRE DTi Feb 2003). Upon commencement of the development (including demolition), work shall be carried out in accordance with the approved scheme. To include working times of 08:00 - 18:00 (Monday Friday) and 08:00 - 13:00 (Saturday). With no working on Sundays or Public Holidays.

In the interests of protecting the amenity of adjoining/nearby residential properties as supported by policy EN2 of the Council's Allocations and Development Management Plan.

- 5) The proposals shall not be carried out other than in accordance with the materials specified on the plans and details contained within the Planning, Design and Access Statement hereby approved.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 6) Prior to occupation of any of the approved dwellings full details of the hard and soft landscaping, means of enclosure and refuse enclosures shall be submitted to and approved in writing by the Council. Those details shall include:-

- Details of all hardsurface materials;
- Planting plans, (identifying existing planting, plants to be retained and new planting, including any replacement hedging adjacent to the visibility splays);
- Written specifications, (including cultivation and other operations associated with plant and grass establishment);
- Schedules of new plants, (noting species, size of stock at time of planting and proposed number/densities where appropriate, to specifically include details of indigenous hedgerow planting),
- all means of boundary treatment and other means of enclosure within the site, and;
 - A programme of implementation.

Unless otherwise agreed in writing by the Local Planning Authority prior to commencement of construction as part of the programme of implementation, all planting, seeding and turfing comprising the approved details of landscaping shall be carried out in the first planting and seeding season following first occupation of any of the approved buildings. The means of enclosure and refuse storage shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings.

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If within a period of 5 years from first occupation of the dwellings any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 7) The dwellings hereby approved shall not be occupied until the sightline improvements have been carried out as indicated on drawing SP01 Rev D and anything which obstructs visibility at any height greater than 0.5m above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) No external lighting shall be installed on the site or affixed to any buildings on the site other than in accordance with a lighting design plan for biodiversity shall have been submitted to, and approved in writing by, the local planning authority. The plan shall show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. No external lighting shall be installed other than in accordance with the specifications and locations set out in the plan and shall maintained thereafter in accordance with the plan.

In the interests of the impact on protected species as supported by Policy SP11 of the Council's Core Strategy.

- 9) From the commencement of works (including site clearance), all precautionary mitigation measures and/or works for reptiles will be carried out in accordance with the details contained in section 4.4 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology October 2019).

In the interests of the impact on protected species as supported by Policy SP11 of the Council's Core Strategy.

- 10) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will include recommendations in section 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology October 2019). The approved details will be implemented prior to first occupation of the dwellings and thereafter retained.

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In the interests of the ecology of the site as supported by Policy SP11 of the Council's Core Strategy.

- 11) The curtilage to each dwelling shall be as indicated on Proposed Site Plan no.: SP01 Rev D hereby approved.

To prevent inappropriate development within the Green Belt and encroachment into the countryside as supported by policy GB7 of the Council's Allocations and Development Management Plan.

- 12) Prior to occupation of the dwelling, details for the provision of facilities for the safe charging of electric vehicles shall be submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the details so approved, within 3 months of the approval and be retained, maintained thereafter and be available for use at all times.

In the interests of sustainable development and reducing emissions as supported by policy T3 of the Council's Allocations and Development Management Plan.

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, D, or E of that Order.

To prevent inappropriate development within the Green Belt as supported by Government advice in the form of the National Planning Policy Framework.

- 14) With regard to the buildings identified on the Proposed Site Plan SP01 Rev D numbered 4, 5, 6, 7 and 8, notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 3, Classes Q, R or S (change of use of agricultural buildings) of that Order.

So that the potential impact of any other use of the adjoining buildings in conjunction with the use hereby approved may be considered in terms of the cumulative impact on the Green Belt as supported by policy GB7 of the Council's Allocations and Development Management Plan.

- 15) Prior to occupation of any of the dwellings hereby approved the Atcost barn indicated for removal on drawing SP1 Rev D shall be demolished with all resultant materials removed from site.

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To prevent inappropriate development within the Green Belt as supported by Government advice in the form of the National Planning Policy Framework.

63. 21/03346/LDCPR - Aberdeen House, Main Road, Knockholt KENT TN14 7JD

The proposal sought planning permission for the lawful development certificate for detached garden building and separate WC building. The application had been referred to the Committee by Councillor Grint based on the concern that the proposed development would not be incidental to the enjoyment of the dwelling. Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: -
Parish Representative: -
Local Members: Cllr Grint

Members asked questions of clarification from the speakers and officer. It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application.

The motion was put to the vote and it was

Resolved: That a Lawful Development Certificate be granted for the following reason

The proposal would comply with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore would be permitted development. Planning permission is not required.

64. 21/02577/FUL - The Lock Up Garages, Lombard Street, Horton Kirby KENT DA4 9DF

The proposal sought planning permission for the demolition of existing garages and erection of two x 3 bed dwellings, together with landscaping and parking. The application had been referred to the Committee by Councillor McGarvey on grounds that the proposal could improve and enhance the Green Belt, village and street scene, improved road safety, improve the gateway view into the village and help meet housing need.

Members' attention was brought to the main agenda.

The Committee was addressed by the following speakers:

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Against the Application: -
For the Application: Colin Smith
Parish Representative: Cllr Rushbrook
Local Members:

Members asked questions of clarification from the speakers and officer.
It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application if the proposed application would have harm on the Green Belt. Members discussed that the proposal could be an improvement to what was primarily an industrial site with significant concrete, but the built form would be around 8.5m which was comparatively higher than the current 2.6m currently on the site and this would affect the openness of the Green Belt. The motion was put to the vote and it was

Resolved: That planning permission be refused for the following reasons
The site lies within the Green Belt where strict policies of restraint apply. The proposal, by reason of its siting, scale, bulk, massing and design, would have a greater impact on the openness of the Green Belt than the existing development. The proposals therefore represent inappropriate development which by definition is harmful to the Green Belt. The Council do not consider that the special circumstances advanced are sufficient to clearly outweigh the harm to the Green Belt and other harm identified. Therefore the proposals would be contrary to Government advice in the form of the National Planning Policy Framework.

The proposed development by reason of its siting and proximity to the boundary of Oak View Stud Farm industrial estate would give rise to poor quality of outlook and external amenity space would result in cramped and oppressive accommodation for future occupiers of the property. As such the proposal would be contrary to Policy EN2 of the Council's Allocations and Development Management Plan 2015.

The proposed houses, by reason of their siting, scale, height, bulk, massing and design, would represent an unduly prominent form of development which would be detrimental to the visual amenities of the street scene and at odds with the character of the area. As such the proposals would be contrary to policy SP1 of the Council's Core Strategy and EN1 of the Council's Allocations and Development Management Plan.

THE MEETING WAS CONCLUDED AT 9.39 PM

CHAIRMAN